IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3209 OF 2006
IN
FIRST APPEAL NO.410 OF 2006

Smt.Sabhia Mohammed Yusuf
and Ors. ...Applicants.

Vs.

The State of Maharashtra ...Respondent.

Mr.Girish S. Godbole, Advocate for the Applicants.

Ms.G.P.Muley, A.G.P., for the State.

CORAM : SMT.RANJANA DESAI AND
SMT.V.K.TAHILRAMANI,JJ.

DATED : SEPTEMBER 08, 2006.

P.C.:-

1. We have heard learned counsel for the parties. Mr.Godbole pointed out to us that because the First Appeal was to be finally heard, the impugned judgment and decree was stayed without directing the respondent to deposit the decretal amount in the trial Court. He states that inasmuch as the First Appeal could not be heard finally this Court may direct the State to deposit the entire decretal amount and pass appropriate orders permitting the applicants to withdraw the same.

2. We have also heard learned A.G.P. for the State.

3. In the facts and circumstances of this case, in our opinion, the following order would meet the ends of justice:

ORDER

I. The respondent shall deposit in this Court an amount at the rate of Rs.12/- per square meter of the land, within a period of 12 weeks from today.

II. On such deposit being made the applicants will be at liberty to withdraw the same by furnishing bank guarantee to the satisfaction of the Registrar General of this Court.

III. Civil Application is disposed of.

[SMT.RANJANA DESAI,J.]

[SMT.V.K.TAHILRAMANI,J.]